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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,004	04/27/2006	Michael Freimuth	32860-000906/US	6153

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EXAMINER
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CHEN, XIAOLIANG

ART UNIT	PAPER NUMBER
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2841

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/542,004

Applicant(s)

FREIMUTH ET AL.

Examiner

Xiaoliang Chen

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/IR) Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1-20 are provisionally rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable **over claims 1-3, 7-10 and 15 of the copending Application No. 10542027**, Freimuth et al., US-20060134956, (hereafter, as "the reference"), Although the conflicting claims are not identical, they are not patentably distinct from each other because

**A)** All the limitations in claim 1 of the instant application are met by the combination of claims 1, 7, 8 and 9 of the copending application.

**B)** The limitation in claim 2 is the same as the limitation of claim 10 of the copending application.

**C)** The limitation in claim 3 is met by the limitation of claim 7 of the copending application.

**D)** Official Notice: For the limitation in claim 4, it is common that a connector having multi-pin connections.

**E)** All the limitations in claim 5 of the instant application are met by the combination of claims 7 and 15 of the copending application.

**F)** All the limitations in claim 6 of the instant application are met by the combination of claims 2 and 8 of the copending application.

**G)** The limitation in claim 7 is the same as the limitation of claim 9 of the copending application.

**H)** All the limitations in claim 8 of the instant application are met by the combination of claims 1 and 3 of the copending application.

**I)** The limitation in claim 9 is met the by the limitation of claim 1 of the copending application.

**J)** The limitation in claim 10 is the same as the limitation of claim 2 of the copending application.

**K)** The limitation in claim 11 is the same as the limitation of claim 3 of the copending application.

**L)** The limitation in claim 12 is met by the limitation in claim 1 of the copending application.

**M)** The limitation in claim 13 is the same as the limitation of claim 2 of the copending application.

**N)** The limitation in claim 14 is the same as the limitation of claim 3 of the copending application.

**O)** All the limitations in claim 15 of the instant application are met by the combination of claims 1, 7, 8 and 9 of the copending application.

**P)** The limitation in claim 16 is the same as the limitation of claim 10 of the copending application.

**Q)** The limitation in claim 17 is the same as the limitation of claim 7 of the copending application.

**R)** Official Notice: For the limitation in claim 18, it is common that a connector having multi-pin connections.

**S)** All the limitations in claim 19 of the instant application are met by the combination of claims 7 and 15 of the copending application.

**T)** All the limitations in claim 20 of the instant application are met by the combination of claims 2 and 8 of the copending application.

***Allowable Subject Matter***

3. Claims 1-20 will be allowable if a proper terminal disclaimer is filed.
4. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-14 will be allowable because the prior art of record neither anticipates nor renders obvious the limitations of base claim 1 in combination as claimed, including:

a coding means and opposing coding means, for providing module location-specific assignment;

latching means at at least one of the module locations, opposing latching means on at least one of the connection modules, respectively providing module location-specific locking and unlocking; and

contact means, having a longitudinal side, for making contact with the opposing contact means, transversely with respect to the longitudinal side.

Claims 15-20 will be allowable because the prior art of record neither anticipates nor renders obvious the limitations of base claim 1 in combination as claimed, including:

at least one coding and opposing coding device; at least one latch, at at least one of the module locations and at least one opposing latch on at least one of the connection modules, to respectively provide module location-specific locking and unlocking; and

at least one contact; and at least one opposing contact adapted to make transversely make contact with respect to a longitudinal side of the at least one contact.

**Conclusion**


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-6081048 relates to Modular peripheral unit expandable by modules. US-6027379 discloses terminal blocks having lateral bridging contacts.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiaoliang Chen whose telephone number is 571-272-9079. The examiner can normally be reached on 7:00-5:00 (EST), Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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